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EXAMINER CHU, DAVID H				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

# Office Action Summary

**Application No.**

10/541,028

**Applicant(s)**

SUKENO ET AL.

**Examiner**

DAVID H. CHU

**Art Unit**

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Objections***

1. **Claim objections to claims 1, 10, 16 and 18 are withdrawn in light of the Applicant's amendment**

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. **Claims 2 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**
4. Regarding claims 2 and 14, the phrase "will not need to" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1, 3, 5, 6-13, 15, 18 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Bassett et al. (U.S. Patent No. 7010491).**

7. Note with respect to claims 1 and 10,

Bassett et al. teaches:

A moving-image synthesis device comprising:

- A synthesis processor which receives a video signal, which includes moving-image data and a moving-image control signal including display timing information of each frame of the moving-image data and processes data-for-synthesis recursively

*[Bassett et al. teaches providing customized video content by means of creating a client profile (set of instructions stored for the customized video) on a data processing system of a client, wherein the data processing system receives video data and any other added to allow customization of the video content. Video data ("moving-image data") inherently comprises of synchronization data ("moving-image control signal"). The data processing system comprise of a processor 202, 204 ("synthesis processor") as shown in FIG. 2.*

*The profile defines the duration for the text to be overlaid on the video. As such the overlay (synthesizing) process is repeated more than once for said defined duration ("processes data-for-synthesis recursively")]*

*(col. 5, line 38 -- col. 6, line 18) (col. 13, line 31-40)*

- A storage which stores data-for-synthesis, which includes a plurality of items of image-data-for-synthesis and a plurality of items of control-data-for-synthesis associated with the plurality of items of the image-data-for-synthesis:

*[The data processing system (comprising of client systems that, for example, is a personal computer) comprise of a memory 209 ("storage") as shown in FIG. 2. The text to be overlaid is the "image-data-for-synthesis" and the user instruction with respect to the overlaying text (later stored as a user profile) is the "control-data-for-synthesis." The user adding a plurality of texts for overlay is the plurality of items of control data and the respective user instructions is the plurality of items of control-data-for-synthesis]*

Wherein the synthesis processor further:

- Reads at least one of the plurality of items of the control-data-for-synthesis from the storage at a timing based on the moving-image control signal, where the control-data-for-synthesis includes pointer information pointing to the next control-data-for-synthesis and repetition count of current image for synthesis:

*[The client system 108, 110, 112, connected to a network, that receives the customized video content (comprising of a profile) through a server system 104. The profile holds the plurality of user instructions comprising of when (at which video frame) the text should be overlaid on the video*

*Each profile comprise of one or more instructions, wherein the processor of the clients (computers that store the profile instruction) must read each instruction at its respective address in memory. Reading each instruction in memory inherently comprise of an address pointer ("pointer information")*

*The repetition count is the equivalent to a profile defining a duration for which a text to be overlaid on video data]*

(col. 3, line 9-52)

- Reads the image-data-for-synthesis in accordance with the read control-data-for-synthesis from the storage at a timing in accordance with the input timing of the moving-image data

*[As discussed above the text is overlaid based on the stored user instruction]*

- Executes processing to synthesize one frame of the moving-image data and the read image-data-for-synthesis forming a composite image

*[The resulting process of overlaying ("synthesize") the text on the video]*

8. Note with respect to claims 3 and 11,

Bassett et al. teaches:

The moving-image synthesis device according to claim 1, wherein

- The pointer information of the control-data-for-synthesis stored in the storage indicates the control-data-for-synthesis to be read for next data for synthesis processing

*[The clients 108, 110, 112 system connected to the server 104 are personal computers as discussed above. Personal computers comprise of memory for storing the user defined instructions for customizing the video. Other clients also receive the customized contents through the network]*

- In the processing A through the processing C repeated in the processing D, the control-data-for-synthesis read from the storage is the item of the control-data-for-synthesis indicated by the pointer information

*[As there are a plurality of instructions associated with the customized video, the processor of the clients that receive the customized contents, must read each instruction at its respective address in memory. Reading each instruction in memory inherently comprise of an address pointer ("pointer information")]*

9. Note with respect to claims 5 and 12,

Bassett et al. teaches:

The moving-image synthesis device according to claim 1, wherein

- The moving-image control signal includes information of a frame rate of the moving-image data

*[Video comprise of synchronization data (V-sync, H-sync), wherein the vertical synchronization data is the equivalent to the "frame rate"]*

- The synthesis processor controls the reading of the control-data-for-synthesis from the storage in accordance with the frame rate

*[As discussed above, the duration field defines the duration of the text overlay on the video.*

*The duration field (part of the profile, "control-data-for-synthesis") is defined by the starting frame (assigned by the user) and ending frame ("in accordance with the frame rate").]*

10. Note with respect to claims 6 and 13,

Bassett et al. teaches:

The moving-image synthesis device according to claim 1, wherein

- The moving-image control signal includes information of a frame rate of the moving-image data where the frame rate of the moving-image data is  $N \cdot M$ , where  $N$  and  $M$  are respectively positive integers,  $N$  is the effective motion of the composite image and  $M$  is the repetition count of the current image for synthesis which is included in the control-data-for-synthesis
- When the frame rate is multiplied by  $L/M$ , where  $L$  is a positive integer, the frame rate is effectively  $N \cdot L$ , the repetition count effectively used for reading at least one of the plurality of items of stored control-data-for-synthesis at a timing based on the moving-image control signal is  $L$

*[If  $L$  and  $M$  are 1, then  $N$  is equal to the frame rate. Multiplying the repetition count (assigned duration of a text overlay) by  $L/M$  is the equivalent to multiplying the repetition count by 1, which results in no change. Therefore, the assigned duration in the duration field ("repetition count") is the equivalent to the limitations recited in claims 6 and 13]*

11. Note with respect to claim 9,



Bassett et al. teaches:

The moving-image synthesis device according to claim 7, wherein

- The synthesis processor selectively outputs any of the moving-image data, the image-data-for-synthesis, and the image data obtained from the processing of adding

*[The processor of the personal computer (client system) discussed above displaying the video according to the profile (created by another user)]*

12. Note with respect to claim 18, claim 18 is similar in scope to the claim 1, thus the rejections to claim 1 hereinabove are also applicable to claim 18.

Note further, Bassett et al. teaches:

- A video signal input section which receives a video signal, which includes moving-image data and a moving-image control signal including display timing information of each frame of the moving-image data

*[Video being input from video recorders, cameras, camcorders, etc. Video inherently comprise of synchronization data]*

13. Note with respect to claim 19,

Bassett et al. teaches:

The information terminal apparatus with the moving-image synthesis function according to claim 18, further comprising,

- A data-for-synthesis input section for supplying the storage with the data-for-synthesis

*[Bassett et al. teaches receiving information streams containing text and/or graphics that provides customization of the data streams at the user site (client), wherein the user site is a personal computer as discussed above, comprising of memory]*

(col. 5, line 50-60)

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

16. **Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bassett et al. as applied to claims 1, 3, 5, 6-13, 15, 18 and 19 above.**

17. Note with respect to claim 4,

Bassett et al. teaches:

The moving-image synthesis device according to claim 1, wherein

- Each of the items of the control-data-for-synthesis stored in the storage includes display position information of the image-data-for-synthesis associated with the control-data-for-synthesis
- The synthesis processor overlays an image-for-synthesis in a position based on the display position information

*[Bassett et al. teaches a depth field 734 and location field 730 that defines where the text overlay should be positioned ("display position information")]*

(col. 10, line 8-18)

However, Bassett et al. does not expressly teach:

- Display size information

*[However, it is well known in the art to change the size of text when editing/customizing media content]*

Therefore, at the time of the invention, it would have been obvious to one of an ordinary skill in the art to apply changing the text size teachings to the video content customizing using text overlay teaching of Bassett et al., because ***this provides the user with added customization.***

18. Claims 7, 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bassett et al. as applied to claims 1, 3, 5, 6-13, 15, 18 and 19 above, and further in view of Woodson et al. (PGPUB Document No. US 2002/0122045).

19. Note with respect to claim 7.

Bassett et al. does not expressly teach:

The moving-image synthesis device according to claim 1, wherein

- The processing by the synthesis processor to synthesize one frame of the moving image data and the read image-data-for-synthesis forming a composite image further includes:
  - Processing to attenuate amplitude levels of the moving-image data and the image-data-for-synthesis and add the attenuated amplitude levels of the moving-image data and the image-data-for-synthesis

Woodson et al. teaches:

- The processing C by the synthesis processor includes processing to attenuate amplitude levels of the moving-image data and the image-data-for-synthesis and add the attenuated amplitude levels of the moving-image data and the image-data-for-synthesis

*[Combining text ("image-data-for-synthesis") with a full motion MPEG-2 ("moving-image data") video using alpha-blending of the two. Alpha-blending comprise of the step of changing the alpha values by "attenuating" the alpha value from an object's original value of*

100%. The blend of the two objects overlaid with the respective values is the "process C", as recited by the Applicant}

[Woodson et al., 0027]

Both Woodson et al. and Bassett et al. teach overlaying an object (graphic/text) on a video.

As shown by Woodson et al. it would have been obvious to one of ordinary skill in the art to apply the overlaying method of Woodson et al. (alpha blending) to overlaying system of Bassett et al., because the results would have been predictable to one of ordinary skill in the art.

Therefore, at the time of the invention, it would have been obvious to one of an ordinary skill in the art to apply the alpha blending a text overlay to a video teaching of Woodson et al., to the customizing video teaching of Bassett et al., because ***alpha blending is a well known technique in the art with respect to overlaying objects and the results would have been predictable.***

20. Note with respect to claims 8 and 15,

Woodson et al. teaches:

The moving-image synthesis device according to claim 7, wherein

- The synthesis processor has a function to adjust an attenuation rate of the amplitude level of the moving-image data and an attenuation rate of the

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amplitude level of the image-data-for-synthesis

[The sum of the two alpha values of the text overlay and the video always being 100% is the function "adjusting the attenuation rate"]

21. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bassett et al. and Woodson et al. as applied to claims 1, 3, 5, 6-13, 15, 18 and 19 above, and further in view of Reisman (PGPUB Document No. US 2004/0031058).

22. Note with respect to claim 16, claim 16 is similar in scope to the claim 1, thus the rejections to claim 1 hereinabove are also applicable to claim 16.

Note further, Bassett et al. teaches:

- An image pickup device which generates a video signal, which includes moving-image data and a moving-image control signal including display timing information of each frame of the moving-image data

*[Video being input from video recorders, cameras, camcorders, etc. Video inherently comprise of synchronization data]*

However, Bassett et al. does not expressly teach:

- A videophone processor which has a function to send composite moving-image data

Reisman teaches:

- A videophone processor which has a function to send composite moving-image data



*[Reisman teaches a video editing system capable of overlay text on video content. Reisman teaches a PDA as one of the many type of systems capable to carry out the methods of Reisman. Further, the system of Reisman is connected to a network/internet (means for sending and receiving data), as shown in FIG. 1.*

*Further, it is well known in the art that PDA devices to have phone capabilities. Therefore, the processor of the PDA is the equivalent to the "videophone processor"]*

*[Reisman, 0120 & 0496]*

Therefore, at the time of the invention, it would have been obvious to one of an ordinary skill in the art to apply the videophone processor teaching of Reisman to the video customization teaching of Bassett et al., because ***viewing and creating video content on a mobile device allows the user added mobility.***

23. Note with respect to claim 17, claim 19 is similar in scope to the claim 19, thus the rejections to claim 19 hereinabove are also applicable to claim 17.

***Response to Arguments***

**24. Applicant's arguments filed 6/2/2008 have been fully considered but they are not persuasive.**

*Following are the Applicant's arguments in bullets and examiner's response in brackets.*

**25. The Applicant argues that Bassett fails to teach a moving-image synthesis device:**

- Which includes moving-image data and a moving-image control signal including display timing information of each frame of the moving-image data  
[As stated in the rejection above with respect to claims 1 and 16, the "moving-image data" is the video content of Bassett. Further, video data inherently comprise of synchronization data ("moving-image control signal")]
- Which processes data-for synthesis recursively  
[Basset describes selectively displaying text and/or graphics ("image-data-for-synthesis") with the video content. Such graphics and/or text are "recursively" overlaid on the video content for the duration set by the user]  
(Basset, col. 5, line 51-60)
- Which stores data-for-synthesis, which includes a plurality of items of control-data-for-synthesis associated with the plurality of items of the image-data-for-synthesis  
[As stated above, the user profile comprising user customized information with respect to the video content is "associated with" the text and/or graphic ("data-for-synthesis")]
- Which reads at least on of the plurality of items of the control-data-for-synthesis from the storage at a timing based on the moving-image control signal, where the control-data-for-synthesis includes pointer information

pointing to the next control-data-for-synthesis and repetition count of current image for synthesis

[Refer to above, the profile holds the plurality of user instructions comprising of when (at which video frame) the text should be overlaid on the video and for how long ("repetition count") it should be displayed.

And further, each profile comprise of one or more instructions, wherein the processor of the clients (computers that store the profile instruction) must read each instruction at its respective address in memory. Reading each instruction in memory inherently comprise of an address pointer ("pointer information")]

- Which reads the image-data-for-synthesis in accordance with the read control-data-for-synthesis from the storage at a timing in accordance with the input timing of the moving-image-data

[Refer to above, the text and/or graphic ("image-data-for-synthesis") to be overlaid can only be overlaid once the desired video content is played ("input timing")]

- Which executes processing to synthesize one frame of the moving image data and the read image-data-for-synthesis forming a composite image

[The overlaid text and/or graphic is the "formed composite image"]

***Conclusion***

26. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID H. CHU whose telephone number is (571)272-8079. The examiner can normally be reached on M-F 9:30am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on (571) 272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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DHC